

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HEADWATER RESEARCH LLC

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD. and
SAMSUNG ELECTRONICS AMERICA,
INC.

Defendants.

Case No. 2:23-CV-00103-JRG-RSP

JURY TRIAL DEMANDED

JOINT MOTION TO AMEND BRIEFING SCHEDULE FOR POST-TRIAL MOTIONS

Plaintiff Headwater Research LLC (“Headwater”) and Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively, “Defendants” or “Samsung”), (collectively, the “Parties”) respectfully file this Joint Motion to Amend Briefing Schedule for Post-Trial Motions and would show the Court as follows:

On May 30, 2025, the Court entered Final Judgment following a jury trial in the above-captioned action. Dkt. 444.

On June 27, 2025, Samsung filed a combined Rule 50(b) Motion for Judgment as a Matter of Law and Rule 59 Motion for a New Trial (“Samsung’s Post-Trial Motions”). Dkt. 447.

The current deadline for Headwater to respond to Samsung’s Post-Trial Motions is July 14, 2025. The Parties respectfully request that the briefing schedule be extended as follows due to unavoidable conflicts:

Filing	Current Deadline	Amended Deadline
Headwater’s opposition brief	7/14/2025	7/31/2025
Samsung’s reply brief	7/21/2025	8/28/2025
Headwater’s sur-reply brief	7/28/2025	9/5/2025

Headwater's current opposition deadline conflicts with its trial in *Headwater Research LLC v. Verizon Communications Inc.*, No. 2:23-cv-00352-JRG-RSP. That case was last slated for trial the week of July 7-11, 2025 (during the original response period) and has now been reset for July 17-23, 2025 (plus any additional time needed for jury deliberations). In addition, the current response period overlaps entirely with expert depositions and *Daubert*/dispositive motion briefing in *Headwater Research LLC v. Samsung Elecs. Co. Ltd.* (No. 2:23-cv-00641-JRG-RSP) ("the '641 case"), with *Daubert*/dispositive motions due on July 14, 2025 (the same day as the current response deadline). Headwater wishes to proceed as expeditiously as possible through post-trial motions but respectfully requests that its opposition deadline be extended to July 31, 2025 in light of these conflicts and the importance and magnitude of Samsung's Post-Trial Motions, which span 75 pages and cover a very broad range of issues.

When Headwater raised its conflicts with Samsung, Samsung did not oppose Headwater's request to extend the opposition deadline to July 31. Samsung also requested a similar extension for its reply brief deadline in light of its own scheduling conflicts. The weeks immediately following the proposed July 31 deadline for Headwater's opposition overlap with *Daubert*/dispositive motion briefing, pretrial disclosures and objections, motions *in limine* briefing, and the preparation of the Joint Pretrial Order in the -641 case. *See* -641 case, Dkt. No. 143 (Fourth Am. Docket Control Order) at 2-3. Given Samsung's conflicts, the Parties request that Samsung's reply deadline be extended to August 28, 2025.

Finally, Headwater respectfully requests a one-day extension to its normal 7-day period to file a sur-reply, moving that deadline from September 4 to September 5, 2025. The existing sur-reply period includes four business days (due to Labor Day on September 1) and a pretrial

conference in *Headwater Research LLC v. Samsung Elecs. Co. Ltd.* (No. 2:23-cv-00641-JRG-RSP) that is scheduled for September 4, 2025.

No other deadlines will be affected by these amendments. The Parties represent that this Motion is not filed for the purposes of delay but rather so that justice may be served. The Parties have met and conferred and are jointly seeking the relief sought in this Motion.

Accordingly, the Parties respectfully request that the Court grant this Joint Motion to Amend Briefing Schedule for Post-Trial Motions as follows:

Filing	Current Deadline	Amended Deadline
Headwater's opposition brief	7/14/2025	7/31/2025
Samsung's reply brief	7/21/2025	8/28/2025
Headwater's sur-reply brief	7/28/2025	9/5/2025

Dated: July 10, 2025

Respectfully submitted,

By: /s/ Marc Fenster

Marc Fenster
CA State Bar No. 181067
Reza Mirzaie
CA State Bar No. 246953
Brian Ledahl
CA State Bar No. 186579
Ben Wang
CA State Bar No. 228712
Adam Hoffman
CA State Bar No. 218740
Paul Kroeger
CA State Bar No. 229074
Neil A. Rubin
CA State Bar No. 250761
Kristopher Davis
CA State Bar No. 329627
James S. Tsuei
CA State Bar No. 285530
Philip Wang
CA State Bar No. 262239

By: /s/ Noah C. Graubart

Ruffin B. Cordell
TX Bar No. 04820550
Michael J. McKeon
DC Bar No. 459780
mckeon@fr.com
Jared Hartzman (*pro hac vice* forthcoming)
DC Bar No. 1034255
hartzman@fr.com
FISH & RICHARDSON P.C.
1000 Maine Avenue, SW, Ste 1000
Washington, D.C. 20024
Telephone: (202) 783-5070
Facsimile: (202) 783-2331

Thad C. Kodish
GA Bar No. 427603
tkodish@fr.com
Benjamin K. Thompson
GA Bar No. 633211
bthompson@fr.com

Amy Hayden
CA State Bar No. 287026
James Milkey
CA State Bar No. 281283
Jason M. Wietholter
CA State Bar No. 337139
James Pickens
CA State Bar No. 307474
Qi (Peter) Tong
TX State Bar No. 24119042
RUSS AUGUST & KABAT
12424 Wilshire Blvd. 12th Floor
Los Angeles, CA 90025
Telephone: 310-826-7474
rak_headwater@raklaw.com

Andrea L. Fair
TX State Bar No. 24078488
MILLER FAIR HENRY PLLC
1507 Bill Owens Parkway
Longview, Texas 75604
Telephone: 903-757-6400
andrea@millerfairhenry.com

*Attorneys for Plaintiff,
Headwater Research LLC*

Jonathan B. Bright
GA Bar No. 256953
jbright@fr.com
Nicholas A. Gallo
GA Bar No. 546590
gallo@fr.com
Steffen Lake (*pro hac vice forthcoming*)
GA Bar No. 512272
lake@fr.com
Vivian C. Keller (admitted *pro hac vice*)
GA Bar No. 651500
keller@fr.com
Noah C. Graubart
GA Bar No. 141862
graubart@fr.com
Sara C. Fish
GA Bar No. 873853
sfish@fr.com
FISH & RICHARDSON P.C.
1180 Peachtree St. NE, Fl. 21
Atlanta, GA 30309
Telephone: (404) 892-5005
Facsimile: (404) 892-5002

Leonard E. Davis
TX Bar No. 05521600
ldavid@fr.com
Andria Rae Crisler
TX Bar No. 24093792
crisler@fr.com
Thomas H. Reger II
Texas Bar No. 24032992
reger@fr.com
FISH & RICHARDSON P.C.
1717 Main Street, Suite 5000
Dallas, TX 75201
Telephone: (214)747-5070
Facsimile: (214) 747-2091

John-Paul R. Fryckman (*pro hac vice*)
CA Bar No. 317591
John W. Thornburgh
CA Bar No. 154627
thornburgh@fr.com
FISH & RICHARDSON P.C.
12860 El Camino Real, Ste. 400

San Diego, CA 92130
Telephone: (858) 678-5070
Facsimile: (858) 678-5099

Katherine D. Prescott (*pro hac vice*)
CA Bar No. 215496
prescott@fr.com
FISH & RICHARDSON P.C.
500 Arguello Street
Suite 400
Redwood City, CA 94063
Telephone: (650) 839-5180
Facsimile: (650) 839-5071

Kyle J. Fleming (*pro hac vice*)
NY Bar No. 5855499
kfleming@fr.com
FISH & RICHARDSON P.C.
7 Times Square, 20th Floor,
New York, NY 10036
Telephone: (212) 765-5070
Facsimile: (212) 258-2291

Melissa R. Smith
State Bar No. 24001351
Melissa@gillamsmithlaw.com
GILLAM & SMITH, LLP
303 South Washington Avenue
Marshall, Texas 75670
Telephone: (903) 934-8450
Facsimile: (903) 934-9257

Michael E. Jones
State Bar No. 10929400
mikejones@potterminton.com
Shaun W. Hassett
State Bar No. 24074372
shaunhassett@potterminton.com
POTTER MINTON, P.C.
102 N. College Ave., Suite 900
Tyler, Texas 75702
Tel: (903) 597-8311
Fax: (903) 593-0846

Lance Lin Yang
**QUINN EMANUEL URQUHART & SULLIVAN,
LLP - LA**

865 S. Figueroa Street, 10th Floor
Los Angeles, CA 90017 USA
213/443-3000 Fax: 213/443-3100
Lanceyang@quinnemanuel.Com

Jon Bentley Hyland
Texas Bar No. 24046131
jhyland@hilgersgraben.com
Grant K. Schmidt
Texas Bar No. 24084579
gschmidt@hilgersgraben.com
HILGERS GRABEN PLLC
7859 Walnut Hill Lane, Suite 335
Dallas, Texas 75230
Telephone: (972) 645-3097

*Attorneys for Defendants,
Samsung Electronics Co., Ltd. and
Samsung Electronics America, Inc.*

CERTIFICATE OF CONFERENCE

Counsel for Plaintiff and counsel for Defendants have complied with the meet and confer requirements of Local Rule CV-7(h). The parties are in agreement on filing this Joint Motion.

/s/ Marc Fenster
Marc Fenster

CERTIFICATE OF SERVICE

The undersigned hereby certifies that counsel of record who are deemed to have consented to electronic services are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on July 10, 2025.

/s/ Marc Fenster
Marc Fenster